

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3762, Restoring Americans' Healthcare Freedom Reconciliation Act, as amended.

Senate agreed to the conference report to accompany H.R. 22, Developing a Reliable and Innovative Vision for the Economy Act.

Senate

Chamber Action

Routine Proceedings, pages S8323–S8426

Measures Introduced: Thirteen bills and four resolutions were introduced, as follows: S. 2347–2359, S.J. Res. 26, and S. Res. 326–328. **Pages S8378–79**

Measures Reported:

S. 1704, to amend the Indian Tribal Justice Act to secure urgent resources vital to Indian victims of crime, with an amendment in the nature of a substitute. (S. Rept. No. 114–172)

H.R. 2820, to reauthorize the Stem Cell Therapeutic and Research Act of 2005, with an amendment in the nature of a substitute.

S. 2136, to establish the Regional SBIR State Collaborative Initiative Pilot Program, with an amendment in the nature of a substitute. **Page S8378**

Measures Passed:

Restoring Americans' Healthcare Freedom Reconciliation Act: By 52 yeas to 47 nays (Vote No. 329), Senate passed H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016, after taking action on the following amendments proposed thereto: **Pages S8326–57**

Adopted:

By 90 yeas to 10 nays (Vote No. 316), Heller Amendment No. 2882 (to Amendment No. 2874), to strike the reinstatement of the tax on employee health insurance premiums and health plan benefits. **Pages S8344–45**

By 60 yeas to 39 nays (Vote No. 324), Coats Amendment No. 2888 (to Amendment No. 2874), to amend the Internal Revenue Code of 1986 to extend the special rule for seniors relating to the income level for deduction of medical care expenses. **Pages S8352–53**

Reid Amendment No. 2917 (to Amendment No. 2916), to strike the reinstatement of the tax on employee health insurance premiums and health plan benefits. **Page S8354**

Enzi (for McConnell) Amendment No. 2916 (to Amendment No. 2874), in the nature of a substitute. **Pages S8353–54, S8356**

McConnell Amendment No. 2874, in the nature of a substitute. **Page S8326**

Rejected:

Murray/Wyden Amendment No. 2876 (to Amendment No. 2874), to ensure that this Act does not increase the number of uninsured women or increase the number of unintended pregnancies by establishing a women's health care and clinic security and safety fund. (By 54 yeas to 46 nays (Vote No. 311), Senate tabled the amendment.) **Pages S8326, S8341–42**

By 56 yeas to 44 nays (Vote No. 312), Johnson Amendment No. 2875 (to Amendment No. 2874), to amend the Patient Protection and Affordable Care Act to ensure that individuals can keep their health insurance coverage. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S8326, S8342**

By 48 yeas to 52 nays (Vote No. 314), Collins Amendment No. 2885 (to Amendment No. 2874), relating to the repeal of the prevention and public health fund. **Page S8343**

By 10 yeas to 89 nays (Vote No. 323), Paul Amendment No. 2899 (to Amendment No. 2874), to prevent the entry of extremists into the United States under the refugee program. Subsequently, a point of order that the amendment would violate section 313(b)(1)(c) of the Congressional Budget Act of 1974 was withdrawn. (A unanimous-consent

agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, was not agreed to.) **Page S8350**

Cardin Amendment No. 2913 (to Amendment No. 2874), to amend the Internal Revenue Code of 1986 to extend the special rule for seniors relating to the income level for deduction of medical care expenses and to require high-income taxpayers to pay a fair share of taxes. **Pages S8351–52**

By 54 yeas to 45 nays (Vote No. 325), Paul Amendment No. 2915 (to Amendment No. 2874), to restore Second Amendment rights in the District of Columbia. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, was not agreed to.) **Page S8353**

Withdrawn:

McCain/Klobuchar Amendment No. 2884 (to Amendment No. 2874), to amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada. **Pages S8350–51**

During consideration of this measure today, Senate also took the following action:

By 45 yeas to 55 nays (Vote No. 313), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive all applicable sections of the Congressional Budget Act of 1974 with respect to consideration of Brown Amendment No. 2883 (to Amendment No. 2874), to maintain the 100 percent FMAP for the Medicaid expansion population. Subsequently, a point of order that the amendment would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays was sustained, and the amendment thus fell. **Pages S8342–43**

By 46 yeas to 54 nays (Vote No. 315), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive all applicable sections of the Congressional Budget Act of 1974 with respect to consideration of Casey/Baldwin Amendment No. 2893 (to Amendment No. 2874), to amend the Internal Revenue Code of 1986 to establish a credit for married couples who are both employed and have young children. Subsequently, a point of order that the amendment would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays was sustained, and the amendment thus fell. **Pages S8343–44**

By 47 yeas to 52 nays (Vote No. 317), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive all applicable sections of the Congressional Budget Act of 1974 with respect to consideration of

Shaheen Amendment No. 2892 (to Amendment No. 2874), to improve mental health and substance use prevention and treatment. Subsequently, a point of order that the amendment would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays was sustained, and the amendment thus fell. **Page S8345**

By 55 yeas to 44 nays (Vote No. 318), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive all applicable sections of the Congressional Budget Act of 1974 and applicable budget resolutions with respect to consideration of Cornyn Amendment No. 2912 (to Amendment No. 2874), relating to the Protect America Act. Subsequently, a point of order that the amendment would violate section 313(b)(1)(c) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Pages S8345–46**

By 45 yeas to 54 nays (Vote No. 319), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive all applicable sections of the Congressional Budget Act of 1974 with respect to consideration of Feinstein Amendment No. 2910 (to Amendment No. 2874), to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists. Subsequently, a point of order that the amendment would violate section 313(b)(1)(c) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Pages S8346–47**

By 53 yeas to 46 nays (Vote No. 320), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive all applicable sections of the Congressional Budget Act of 1974 and applicable budget resolutions with respect to consideration of Grassley Amendment No. 2914 (to Amendment No. 2874), to address gun violence, improve the availability of records to the National Instant Criminal Background Check System, address mental illness in the criminal justice system, and end straw purchases and trafficking of illegal firearms. Subsequently, a point of order that the amendment would violate section 313(b)(1)(c) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Pages S8347–48**

By 48 yeas to 50 nays (Vote No. 321), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive all applicable sections of the Congressional Budget Act of 1974 and applicable budget resolutions with respect to consideration of Manchin/

Toomey Amendment No. 2908 (to Amendment No. 2874), to protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process. Subsequently, a point of order that the amendment would violate section 313(b)(1)(c) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Page S8348**

By 47 yeas to 52 nays (Vote No. 322), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive all applicable sections of the Congressional Budget Act of 1974 and applicable budget resolutions with respect to consideration of Bennet/Sanders Amendment No. 2907 (to Amendment No. 2874), to provide additional amounts to the Department of Veterans Affairs to increase the access of veterans to care and improve the physical infrastructure of the Department of Veterans Affairs and to impose a fair share tax on high-income taxpayers. Subsequently, a point of order that the amendment would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays was sustained, and the amendment thus fell. **Pages S8348–50**

By 52 yeas to 47 nays (Vote No. 326), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive all applicable sections of the Congressional Budget Act of 1974 and applicable budget resolutions with respect to consideration of Enzi (for McConnell) Amendment No. 2916 (to Amendment No. 2874), in the nature of a substitute. Subsequently, a point of order that section 105(b) of the amendment would violate section 313(b)(1)(d) of the Congressional Budget Act of 1974 was sustained, and section 105(b) was stricken. **Pages S8353–54, S8356**

By 45 yeas to 54 nays (Vote No. 327), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive all applicable sections of the Congressional Budget Act of 1974 and applicable budget resolutions with respect to consideration of Baldwin Amendment No. 2919 (to Amendment No. 2916), to ensure that individuals can keep their health insurance coverage. Subsequently, a point of order that the amendment would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays was sustained, and the amendment thus fell. **Pages S8354–55**

By 46 yeas to 53 nays (Vote No. 328), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to

waive all applicable sections of the Congressional Budget Act of 1974 and applicable budget resolutions with respect to consideration of Murphy/Stabenow Amendment No. 2918 (to Amendment No. 2916), to protect victims of violence or disease, veterans, workers who have lost their health insurance and their jobs, and other vulnerable populations from the repeal of the advance premium tax credit. Subsequently, a point of order that the amendment would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays was sustained, and the amendment thus fell. **Pages S8355–56**

National Bison Legacy Act: Committee on the Judiciary was discharged from further consideration of S. 2032, to adopt the bison as the national mammal of the United States, and the bill was then passed. **Page S8426**

Conference Reports:

Developing a Reliable and Innovative Vision for the Economy Act: By 83 yeas to 16 nays (Vote No. 331), Senate agreed to the conference report to accompany H.R. 22, to authorize funds for Federal-aid highways, highway safety programs, and transit programs. **Pages S8357–66**

By 77 yeas to 22 nays (Vote No. 330) three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive Rule XXVIII relative to section 32205 with respect to the conference report. Subsequently, the point of order under Rule XXVIII that section 32205, exceeds the scope of conference report to accompany the bill, was not sustained. **Page S8364**

Every Child Achieves Act—Cloture: Senate began consideration of the conference report to accompany S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves. **Pages S8425–26**

A motion was entered to close further debate on the conference report to accompany the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, December 8, 2015. **Pages S8425–26**

McDonough Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 5 p.m., on Monday, December 7, 2015, Senate begin consideration of the nomination of Travis Randall McDonough, to be United States District Judge for the Eastern District of Tennessee; that there then be 30 minutes of debate on the nomination, and that following the use or yielding back of time, Senate vote on confirmation of the nomination,

without intervening action or debate; and that no further motions be in order to the nomination.

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Messages from the House: Page S8376

Measures Read the First Time: Pages S8376, S8426

Enrolled Bills Presented: Pages S8376–77

Executive Communications: Pages S8377–78

Petitions and Memorials: Page S8378

Additional Cosponsors: Pages S8379–80

Statements on Introduced Bills/Resolutions: Pages S8380–82

Additional Statements: Pages S8374–76

Amendments Submitted: Pages S8382–S8425

Authorities for Committees to Meet: Page S8425

Record Votes: Twenty-one record votes were taken today. (Total—331) Pages S8341–50, S8352–57, S8364

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:53 p.m., until 2 p.m. on Monday, December 7, 2015. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8426.)

Committee Meetings

(Committees not listed did not meet)

SUPPORTING THE WARFIGHTER

Committee on Armed Services: Committee concluded a hearing to examine supporting the warfighter of today and tomorrow, after receiving testimony from Michael B. Donley, former Secretary of the Air Force, Lieutenant General Michael T. Flynn, USA (Ret.), former Director, Defense Intelligence Agency, and General James L. Jones, USMC (Ret.), former National Security Advisor to the President, Supreme Allied Commander, Europe, and Commander,

United States European Command, and 32nd Commandant of the Marine Corps, all of the Department of Defense.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine implementation of the Alaska National Interest Lands Conservation Act of 1980, including perspectives on the Act's impacts in Alaska and suggestions for improvements to the Act, after receiving testimony from Alaska Governor Bill Walker, Juneau; Alaska State Senator John Coghill, Fairbanks, on behalf of the Citizens' Advisory Commission on Federal Areas in Alaska; Anna M. Seidman, Safari Club International, Washington, D.C.; and Rod Arno, Alaska Outdoor Council, Valerie Brown, Trustees for Alaska, Joshua M. Kindred, Alaska Oil and Gas Association, and J.P. Tangen, all of Anchorage, Alaska.

U.S. ROLE IN THE MIDDLE EAST

Committee on Foreign Relations: Committee received a closed briefing on the United States role in the Middle East from Madeleine K. Albright, former Secretary of State, and Stephen J. Hadley, former National Security Advisor, both of Washington, D.C.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Robert A. Salerno, and Darlene Michele Soltys, both to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years, and Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2019 (Reappointment), after the nominees, who were introduced by Representative Norton, testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 19 public bills, H.R. 4165–4183; and 6 resolutions, H. Res. 548–553 were introduced. Pages H9010–12

Additional Cosponsors: Pages H9012–13

Reports Filed: Reports were filed today as follows:

H.R. 195, to terminate the Election Assistance Commission (H. Rept. 114–361);

H.R. 412, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns (H. Rept. 114–362, Part 1);

H.R. 3869, to amend the Homeland Security Act of 2002 to require State and local coordination on cybersecurity with the national cybersecurity and

communications integration center, and for other purposes (H. Rept. 114–363);

H.R. 3106, to authorize Department major medical facility construction projects for fiscal year 2015, to amend title 38, United States Code, to make certain improvements in the administration of Department medical facility construction projects, and for other purposes, with an amendment (H. Rept. 114–364);

H.R. 2915, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, with an amendment (H. Rept. 114–365);

H.R. 1107, to require the Secretary of the Interior to submit to Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets, with an amendment (H. Rept. 114–366);

S. 1580, to allow additional appointing authorities to select individuals from competitive service certificates (H. Rept. 114–367); and

S. 1629, to revise certain authorities of the District of Columbia courts, the Court Services and Offender Supervision Agency for the District of Columbia, and the Public Defender Service for the District of Columbia, and for other purposes (H. Rept. 114–368).

Page H9010

North American Energy Security and Infrastructure Act of 2015: The House passed H.R. 8, to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, by a recorded vote of 249 ayes to 174 noes, Roll No. 672.

Pages H8983–88

Rejected the Cartwright motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 180 ayes to 243 noes, Roll No. 671.

Pages H8986–87

Agreed to:

Cramer amendment (No. 26 printed in H. Rept. 114–359) that was debated on December 2nd that authorizes voluntary vegetation management within 150 feet of the exterior boundary of the right-of-way near structures; prevents sale of vegetation and limits legal liability (by a recorded vote of 252 ayes to 170 noes, Roll No. 668); and

Pages H8983–84

Rouzer amendment (No. 30 printed in H. Rept. 114–359) that was debated on December 2nd that repeals the March 2015 EPA final rule establishing federal standards for residential wood heaters (by a

recorded vote of 247 ayes to 177 noes, Roll No. 669).

Pages H8984–85

Rejected:

Pallone amendment (No. 37 printed in H. Rept. 114–359) that was debated on December 2nd that sought to prohibit the Act from taking effect until after the Energy Information Administration analyzed and published a report on the carbon impacts of the Act's provisions (by a recorded vote of 181 ayes to 243 noes, Roll No. 670).

Page H8985

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House.

Page H8988

H. Res. 542, the rule providing for further consideration of the bill (H.R. 8) and the conference report to accompany the bill (S. 1177) was agreed to yesterday, December 2nd.

Surface Transportation Reauthorization and Reform Act of 2015: The House agreed to the conference report to accompany H.R. 22, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, by a yea-and-nay vote of 359 yeas to 65 nays, Roll No. 673.

Pages H8975–83, H8988–H9000

H. Res. 546, the rule providing for consideration of the conference report to accompany the bill (H.R. 22) was agreed to by a recorded vote of 384 ayes to 40 noes, Roll No. 667, after the previous question was ordered by a yea-and-nay vote of 243 yeas to 179 nays, Roll No. 666.

Pages H8982–93

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Monday, December 7th for Morning Hour debate.

Page H9009

Quorum Calls—Votes: Two yea-and-nay votes and six recorded votes developed during the proceedings of today and appear on pages H8982–83, H8983, H8984, H8984–85, H8985, H8986–87, H8987–88 and H8999–H9000. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 3:22 p.m.

Committee Meetings

EFFECTS OF REDUCED INFRASTRUCTURE AND BASE OPERATING SUPPORT INVESTMENTS ON READINESS

Committee on Armed Services: Subcommittee on Readiness held a hearing entitled "Effects of Reduced Infrastructure and Base Operating Support Investments on Readiness". Testimony was heard from Lieutenant General David D. Halverson, USA, Assistant Chief of Staff for Installation Management, U.S. Army; Major General Robert P. White, USA, Deputy Chief of Staff, G–3/5/7, U.S. Army Forces Command;

Colonel Andrew Cole, Jr., USA, Garrison Commander, Fort Riley, Kansas; Major General Charles L. Hudson, USMC, Commander, Marine Corps Installations Command and Assistant Deputy Commandant, Installations and Logistics, U.S. Marine Corps; Major General Brian D. Beaudreault, USMC, Commanding General, 2nd Marine Division, U.S. Marine Corps; and Colonel Chris Pappas III, USMC, Commander, Marine Corps Air Station Cherry Point, U.S. Marine Corps.

STAKEHOLDER VIEWS ON MILITARY HEALTH CARE

Committee on Armed Services: Subcommittee on Military Personnel held a hearing entitled “Stakeholder Views on Military Health Care”. Testimony was heard from public witnesses.

THE NUCLEAR WASTE FUND: BUDGETARY, FUNDING, AND SCORING ISSUES

Committee on Energy and Commerce: Subcommittee on Environment and the Economy held a hearing entitled “The Nuclear Waste Fund: Budgetary, Funding, and Scoring Issues”. Testimony was heard from David Bearden, Specialist in Environmental Policy, Congressional Research Service; Kim P. Cawley, Chief of Natural and Physical Resources Cost Estimates Unit, Congressional Budget Office; and a public witness.

BROADCASTING OWNERSHIP IN THE 21ST CENTURY

Committee on Energy and Commerce: Subcommittee on Communications and Technology reconvened a hearing entitled “Broadcasting Ownership in the 21st Century”. Testimony was heard from public witnesses.

DRIVING AWAY WITH TAXPAYER DOLLARS: DHS’S FAILURE TO EFFECTIVELY MANAGE THE FPS VEHICLE FLEET

Committee on Homeland Security: Subcommittee on Oversight and Management Efficiency held a hearing entitled “Driving Away with Taxpayer Dollars: DHS’s Failure to Effectively Manage the FPS Vehicle Fleet”. Testimony was heard from the following Department of Homeland Security officials: John Roth, Inspector General, Office of Inspector General; L.

Eric Patterson, Director, Federal Protective Service; and Thomas Chaleki, Deputy Chief Readiness Support Officer, Management Directorate.

OVERSIGHT OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Committee on the Judiciary: Subcommittee on Immigration and Border Security held a hearing entitled “Oversight of the Executive Office for Immigration Review”. Testimony was heard from Juan P. Osuna, Director, Executive Office for Immigration Review, Department of Justice.

LEGISLATIVE MEASURE

Committee on Science, Space, and Technology: Subcommittee on Energy held a hearing on H.R. 4084, the “Nuclear Energy Innovation Capabilities Act”. Testimony was heard from John Kotek, Acting Assistant Secretary, Office of Nuclear Energy, Department of Energy; and public witnesses.

EMPLOYERS OF CHOICE: HOW THE TAX EXTENDER DEBATE WILL AFFECT SMALL BUSINESS

Committee on Small Business: Subcommittee on Economic Growth, Tax and Capital Access held a hearing entitled “Employers of Choice: How the Tax Extender Debate Will Affect Small Business”. Testimony was heard from public witnesses.

Joint Meetings

ECONOMIC OUTLOOK

Joint Economic Committee: Committee concluded a hearing to examine the economic outlook, after receiving testimony from Janet L. Yellen, Chair, Board of Governors of the Federal Reserve System.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 4, 2015

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

2 p.m., Monday, December 7

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, December 7

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 5 p.m.), Senate will begin consideration of the nomination of Travis Randall McDonough, to be United States District Judge for the Eastern District of Tennessee, and vote on confirmation of the nomination at approximately 5:30 p.m.

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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